

# RETIREMENT SYSTEM

## REQUEST FOR PROPOSAL

**RE: LEGAL COUNSEL**

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### A. OVERVIEW

The Board of Trustees of the **Charter Township of Shelby Fire and Police Retirement System** (“Retirement Board”) intends to secure a contract for legal counsel services. The purpose of this Request for Proposal (RFP) is to define the Retirement Board's minimum requirements and solicit proposals from which the Retirement Board may evaluate such services.

### B. PLAN PROFILE

The Charter Township of Shelby Fire and Police Retirement System (“Retirement System”) consists of 1 Fire Representative, 1 Police Representative, Township Treasurer, and 2 Citizen Appointees; and has assets exceeding \$93 Million Dollars. The Retirement System is comprised of a defined benefit plan wherein basic benefits are supported by contributions from the Township and by the investment income earned on Retirement System assets.

### C. MINIMUM QUALIFICATIONS

The Retirement Board requires that all prospective service providers:

- 1) Have strong credentials;
- 2) Be in good financial standing and be a member in good standing of the State Bar of Michigan;
- 3) Have a thorough understanding of state and federal laws which affect public employee retirement systems in the State of Michigan; and
- 4) Be an active member of MAPERS.

### D. SCOPE OF SERVICES

The Retirement Board is attempting to identify a law firm that has the ability to:

- 1) Provide objective, third-party advice and counsel that will enable the Retirement Board to make well-informed and well-educated decisions regarding the Retirement System and its administration;
- 2) Attend Retirement Board meetings, and such other meetings as the Retirement Board may reasonably request;
- 3) Draft and/or review Retirement System policies, procedures and forms (e.g., service retirement, disability retirement, disability re-examination, Freedom of Information, service credit, DROP, professional service provider review, records retention, education and training, due diligence, ethics, average final compensation, workers’ compensation redemption);

- 4) Review and provide advice regarding Domestic Relations Orders and payment of benefits thereunder. Each EDRO will be billed separately from other legal billing after the EDRO review is complete in order to bill the EDRO parties properly for their cost;
- 5) Present formal legal reports at meetings;
- 6) Provide meeting and administrative support;
- 7) Prepare and assist with the development of Retirement Board handbooks, and Retirement System Member handbooks;
- 8) Review, clarify, and provide guidance regarding Retirement System provisions, including collective bargaining agreements;
- 9) Draft and review DROP plans;
- 10) Ensure Internal Revenue Service compliance;
- 11) Negotiate and prepare professional service provider contracts;
- 12) Provide counsel regarding investment compliance (PA 314) and coordination (investment policy statement, objectives and guidelines, requests for proposal);
- 14) Engage in civil litigation (including appeals), and securities class action litigation;
- 15) Monitor proposed and enacted federal and state legislation and regulations, and provide guidance on compliance therewith; and,
- 16) To perform such other pertinent duties as may be required.

When responding to this Request for Proposal, the Retirement Board encourages you to describe the ways in which you believe your service capability is special or distinctive.

## **E. QUESTIONNAIRE**

### **Organization Background**

- 1) How long has your firm been in existence?
- 2) How many major accounts do you have? What is your definition of major account? List five of your largest client relationships.
- 3) How many municipal retirement systems clients do you service? How many are located in Michigan?
- 4) How many clients has your organization lost within the past three years? Nationally? Locally? What are the reasons for these losses?

- 5) Please state the name, title, address, and telephone number(s) of the person(s) we may contact with any questions about your responses to this RFP.
- 6) Who would be responsible for our account? Please describe this person's background. Who is the backup attorney for this person?
- 7) From what geographic location will our account be serviced?
- 8) What significant organizational changes have occurred in your firm within the last twelve months?

### **System Backup and Disaster Recovery**

- 9) Please describe your record retention policy?
- 10) Please describe your data processing system, and system's backup process?
- 11) Do you have a disaster recovery plan? If so, please describe. When was it last tested?

### **Services**

- 12) Please explain the security procedures in place to ensure the integrity of sensitive or confidential information.
- 13) List the various state and federal laws used by your firm in furtherance of the administration of a retirement system client.
- 14) Are you familiar with domestic relations orders and eligible domestic relations orders, and are you experienced with reviewing such orders for compliance with legal and retirement system requirements?
- 15) Describe any training or educational materials or seminars that your firm could provide to enable the Retirement Board to appropriately and effectively administer the Retirement System.
- 16) Detail the assistance your firm would provide in responding to Freedom of Information Act requests.
- 17) Describe the support your firm would provide in the event of litigation in which the Retirement System is a party.
- 18) Do you have any experience with retiree medical and other welfare benefit plans?
- 19) Do you have any experience with Deferred Retirement Option Plans?
- 20) Describe any communications/policies your firm has drafted on behalf of a retirement system.

- 21) Describe your firm's experience with compliance with the rules and regulations of the Internal Revenue Service.
- 22) Describe your firm's experience assisting a retirement system in the selection of investment consultants, custodian of assets, actuaries, and other service providers.
- 23) Describe your firm's experience with collective bargaining organizations and agreements.

### **Administrative Support**

- 24) Provide the names, titles and credentials of the individuals who would be assigned to the Retirement System's account. What are their specific responsibilities? Provide the names of other clients that they serve.
- 25) Will a representative of your firm be available to meet with the Board at its request?
- 26) Describe how you monitor the performance of the people who would be assigned to work on our account.
- 27) What is the average turnover of your staff?
- 28) What organizations do members of your firm join to stay abreast of current laws, regulations and trends applicable to municipal retirement systems?
- 29) Please describe how members of your firm enhance their legal knowledge.

### **Risk Management**

- 30) Describe the various types of insurance and indemnification provided to protect clients of service(s) proposed, including (Be sure to include specific dollar overages):
  - Errors and Omissions Coverage
  - Risk Coverage
  - Carriers
  - Levels
  - Limits
  - Deductibles

### **Management Commitment**

- 31) Describe your firm's commitment to service quality and customer service.
- 32) Outline your organization's commitment to servicing the public sector market. What capital investments have you made in the last three years in this regard? What capital investments have you budgeted for the current and following year?
- 33) How are issues and concerns communicated to and from clients?

34) Describe methods you use to monitor client satisfaction.

### **Proposed Fees**

35) Please provide a comprehensive schedule of services you provide for legal counsel services. The Retirement Board would like you to provide an estimate of your annual fees.

36) What costs are involved in implementing your program?

37) Do you charge secretarial or clerical time to clients? If so, what are the rates?

38) Do you charge for incidental fees such as copies, postage, telephone toll charges, and travel costs?

39) How are fees for additional work outside the scope of the retainer agreement determined?

40) How do you determine fee increases? What has been the average fee increase in your organization's fees over the past three years? What would cause any of your fee quotes to change significantly?

### **References**

41) Please provide the system names, individual contact names, and phone numbers of clients that are of similar size as the Retirement System, who will share with the Retirement Board their first-hand experiences regarding your services (preferably public retirement systems).

### **Miscellaneous**

42) Is your firm a member of MAPERS and/or NCPERS? What other affiliations does your organization maintain to keep abreast of unique issues and developments affecting public employee retirement systems?

43) Has your firm been investigated by any state or federal regulatory or law enforcement agency in the last ten years? If yes, please describe in detail the substance and results of each such investigation.

44) Has your firm been a party defendant to any lawsuit, including suits involving misfeasance or professional malfeasance or negligence, within the last ten years? If so, please describe the substance and results of each suit.

45) Please describe the transition process when taking on a new client previously serviced by another law firm.

## **F. OTHER REQUIREMENTS**

- 1) **Pre-Qualification:** Inviting a proposal does not assume a "pre-qualification" of any proposer.
- 2) **Proposal Preparation Cost:** The Retirement Board will not be liable for any costs incurred in preparation of proposals.
- 3) **Certification as to "Request for Proposal" Content:** By submitting a proposal, the proposer certifies that he or she has fully read and understands the "Request for Proposal" and has full knowledge of the scope, nature, quantity, and quality of work to be performed. Unless specified to the contrary, submitting a proposal will be interpreted as agreement to all provisions in and requirements of the RFP.
- 4) **Additional Information and Instruction:** The proposer shall furnish such additional information as the Retirement Board may reasonably require. The Retirement Board reserves the right to investigate the qualifications of all proposers as it deems appropriate.
- 5) **Negotiations:** The Retirement Board reserves the right to conduct pre-contract negotiations with any or all proposers.
- 6) **Proposal Rejection:** The Retirement Board reserves the right to reject any or all proposals, the right in its sole discretion to accept the proposal which it considers most favorable to the Retirement Board's interests, and the right to waive minor irregularities in the procedures. The Retirement Board further reserves the right to seek new proposals when such a procedure is in its best interest.
- 7) **Proposals Binding for 90 Days:** All proposals submitted shall be binding for ninety (90) calendar days following the above due date for receipt of proposals to allow for evaluation and award of contract.
- 8) **Submission Requirements:** The proposal must be organized in the following manner:
  - a. **Title Page:** Please indicate the RFP subject, the name of your organization, address, telephone number, name of account officer, name of contact person and date.
  - b. **Table of Contents:** Clearly identify the material by section and page number.
  - c. **Letter of Transmittal:** Limit to one or two pages.
    - (1) Briefly state your organization's understanding of the nature of the work.
    - (2) Give the names of the persons who will be authorized to make presentations for your organization, their titles, addresses, and telephone numbers.
    - (3) Include total cost of services.

- d. Submission: The Retirement Board requests that you provide an original and ten (10) complete sets of your proposal to the Retirement Board as follows:

RFP: Legal Counsel  
Board of Trustees of the Charter Township of  
Shelby Fire and Police Retirement System  
Clerk's Office / Laura White  
52700 Van Dyke  
Shelby Township, MI 48316

Your response to this RFP must be received at the above address by **2:00 p.m. on June 1, 2016.**

- 9) Late Proposals: Proposals received by the Retirement Board after the time specified for proposal opening will not be considered.
- 10) Completeness: All information required by the Request for Proposal shall be supplied to constitute an acceptable proposal. Failure to submit a complete proposal may result in the disqualification of your proposal.

The Retirement Board appreciates the time and effort you will have expended in responding to this RFP.